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7 Attorneys for plaintiff

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 Patricia Galvin,

11 Plaintiff,

12 v.

13 Provident Life and Accident  
14 Insurance Company as Administrator  
15 and Fiduciary of the Group Long  
16 Term Disability Plan for Heller,  
17 Erhman, White & McAuliffe, et al.,

Defendants.

No: C 07 05195 JF

**STIPULATION AND [PROPOSED]  
ORDER RE: BILL OF COSTS AND  
MOTION FOR ATTORNEY'S FEES  
AND PREJUDGMENT INTEREST**

18 The parties in the above-captioned matter, through their respective attorneys of  
19 record, enter into the following stipulation and request the Court to enter an order  
20 accordingly:

21 1. On July 17, 2009, the Court issued its Order Re: Cross-Motions for Summary  
22 Judgment. On page twenty three (23) of the Order, the Court stated that "judgment will  
23 be entered in Galvin's [plaintiff's] favor" and the parties were ordered to schedule a  
24 further hearing date if they were "unable to agree as to the method of calculating the  
25 benefits owed to Galvin, including any interest or applicable offsets."

26 2. The parties wish to clarify whether the Court intended its Order to trigger  
27

1 plaintiff's time within which to file her bill of costs pursuant to Local Rule 54-1 and  
2 motion for attorney's fees pursuant to Local Rule 54-6, or if the Court intends to issue a  
3 formal judgment after it is supplied with, or determines after a further hearing, the  
4 relevant numbers regarding the benefits owed to Galvin, including any interest or  
5 applicable offsets, which would then trigger the filing requirements under Local Rules  
6 54-1 and 54-6.

7 3. In light of the foregoing, the parties hereby stipulate and request that the  
8 Court extend the time within which plaintiff's bill of costs and motion for attorney's fees  
9 and prejudgment interest must be filed until fourteen (14) days after the parties either  
10 supply the Court with the relevant numbers regarding the benefits owed to Galvin,  
11 including any interest or applicable offsets, or the Court determines the same after a  
12 further hearing, and judgment is entered accordingly.

13 Respectfully submitted,

14 **ROBOOSTOFF & KALKIN**

15  
16 Dated: July 28, 2009

17 /s/  
18 Scott Kalkin  
19 Attorney for plaintiff

20 **WILSON, ELSER, MOSKOWITZ,**  
21 **EDELMAN & DICKER, LLP**

22 Dated: July 28, 2009

23 By: /s/  
24 John C. Ferry  
25 Attorneys for Defendants  
26 Provident Life and Accident Insurance  
27 Company as Administrator and  
28 Fiduciary of the Group Long Term  
Disability Plan for Heller, Erhman, White  
& McAuliffe, and the Group Long Term  
Disability Plan for Heller, Erhman, White  
& McAuliffe

IT IS SO ORDERED.

Dated: 7/30/09

By:   
Judge of the United States District  
Court for the Northern District of  
California